



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun & Held at *Boston*, upon Wednesday the Thirty-first Day of *May*, 1732.

CHAP. I.

An Act for Granting unto His Majesty an Excise upon Wines, Liquors, and other Strong Drink, Sold by Retail.

WE His Majesty's most Loyal and Dutiful Subjects the Representatives of the Province of the Massachusetts-Bay in General Court Assembled, being desirous to Preamble, lessen the present Debt of the Province, by drawing in a Number of the Bills of Credit, in Pursuance of several Grants of this Court in the Years 1721, 1722, 1725, 1726 & 1727. Have Carefully and Unanimously Granted, and do hereby Give and Grant unto His Most Excellent Majesty for the Ends and Uses above-mentioned, and for no other Uses, An Excise upon all Brandy, Rhum, and other Spirits Distilled, and upon all Wines whatsoever, Sold by Retail within this Province; To be Raised, Levied, Collected and Paid, by and upon every Taverner, Innholder, Common Victualler and Retailer within each respective County, in manner following:

And be it accordingly Enacted by his Excellency the Gouvernour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of June, One thousand seven hundred and thirty-two, for the space of Five Years; Every Person Licensed for Retailing Brandy, Rhum, or other Spirits, or Wine, shall pay the Duties following: Viz.

Fees Stated. For every Gallon of Brandy, Rhum, and Spirits distilled, *Eight Pence.*
For every Gallon of Wine of every sort, *Eight Pence.*
A Pipe of Wine to be accounted One hundred Gallons.

Collectors appointed.

And be it further Enacted by the Authority aforesaid,
That there be One or more Collectors in each County annually appointed by the General Court, or by the Court of General Sessions of the Peace, where it shall happen that such Collectors refuse to Accept said Office, or be removed by Death, or Mismanagement, to take charge of this Duty of Excise, who shall have Power to Inspect the Houses of all such as are Licensed, and of such as are suspected to Sell without License; which Collectors shall be upon Oath to take care of the due Execution of this Law, and to prosecute the breakers of it; and have Power to Appoint Under-Officers upon Oath: And the said Collectors shall carefully examine the Accompts of every Licensed Person in their respective Counties, and Demand, Sue for, and receive the several Sums due from them by this Act, and shall give in an Accompt under their hands, of the particular Sums they receive, together with the Names of the Persons of whom received, unto the Treasurer upon Oath; which Oath the Treasurer is hereby Impowered and Directed to Administer in the Words following, *viz.*

YOU A. B. do Swear, This is a just and true Accompt of the Excise upon all Liquors by you Received in the County of And that the Persons of whom you Received the same were also upon Oath. So help you G O D.

**Five per Cent
for Collecting.**

And at the time of Receiving any Money, the said Collectors shall give Two Receipts of the same Tenure and Date, mentioning what Sum or Sums they have Received from any Taverner, Innholder, Common Victualler or Retailer; One of which Receipts to be by the said Taverner, Innholder, Common Victualler or Retailer returned to the Court of General Sessions of the Peace within their respective Counties at the next Session of such Court, and the Clerks of the said Courts shall within Twenty Days after Receipt thereof Transmit the same to the Treasurer or Receiver General; And such Collectors shall pay into the Publick Treasury of this Province, all such Sums as they shall Receive within Six Months from the Date of their Commission, and so from time to time within the space of Six Months, as long as they shall continue in such Office; On pain and forfeiture of the Reward given such Collectors by this Act, who shall be Allowed *Five per Cent.* on all Money by them Collected and Paid into the Treasury, as aforesaid; Each Collector before he enter into the said Office to give Bond, double the Sum that is usually received for Excise, Annually in said County, to the Treasurer of this Province, for the time being, and his Successors in said Office, with sufficient Sureties, for the faithful Discharge of his Duty; and that he will duly pay in the Money that he shall Collect to the Treasurer of the Province, for the time being; which Bond shall be Executed before the Court of General Sessions of the Peace in the respective Counties, where the said Collectors Live, and Transmitted to the Treasurer of the Province, by the Clerk of the Peace within such County, within Three Months after the Bond is

is Executed; And the said Treasurer shall put in Suit the Bonds of all such Collectors, who shall neglect to make due payment within Sixty Days, after the Expiration of the Year.

AND be it further Enacted by the Authority aforesaid, That every Taverner, Innholder, Common Victualler and Retailer shall after the Twenty-ninth Day of June, One thousand seven hundred and thirty-two, take an exact Account of all Rhum, Brandy, and other Distilled Spirits, and Wine then by him, and give an Account of the same unto the said Collector upon Oath, and such other Persons as shall be Licensed, during the continuance of the said Act, shall also give an Account as aforesaid, upon Oath, of what Rhum, Brandy, and other Distilled Spirits, and Wine, he or they shall have by him or them at the time of his or their License; Which Oath the Collector shall have power to Administer in the Words following, *viz.*

YOU A.B. do Swear, That the Account Exhibited by you is a true and just Account of all the Rhum, Brandy, and other Distilled Spirits, and Wine, now by you. So help you G O D.

That every Taverner, Innholder, Common Victualler and Retailer, shall make a fair Entry in a Book of all such Rhum, Brandy, and other Distilled Spirits, and Wine, as he or they or any for him or them shall Buy, Distill or Take in for Sale after such Account taken, and at the End of every Six Months deliver the same in Writing under his or their Hands to the Collector, who is to Administer an Oath to him or them that the said Account is *Bona Fide* just and true, and that he or they do not known of any Rhum, Brandy, or other Distilled Spirits, or Wine Sold directly or indirectly by him or them, or any under him or them, or by his or their privity or consent, but what is contained in the Accompt now Exhibited, and shall pay him the Duty thereof, Excepting such part as the Collector shall find is still remaining by him or them; *Twenty per Cent.* to be allowed for Leakage, and other Waste, for which no Duty is to be paid.

And every Collector who shall neglect or refuse to Administer such Oath in manner as aforesaid, being thereof Convict by due course of Law, shall forfeit and pay the Sum of *Fifty Pounds* for the use of the Province, to be recovered in manner as by this Act is provided; and so *tories quoties*.

That the Justices in their General Sessions of the Peace, shall take Recognizances with sufficient Sureties of all Persons by them Licensed, both as to their keeping good Rule and Order, and duly observing the Laws relating to Persons so Licensed; as also for their duly and truly Rendering an Accompt in Writing under their hands, as aforesaid, and paying their Excise in manner as aforesaid; which Recognizance shall be taken within the space of Thirty Days after the Granting such License; otherwise the Person Licensed shall lose the benefit of his or her said License.

And

Preamble.

10 And whereas notwithstanding the Laws made against Selling Strong Drink without Licence, Many Persons not regarding the Penalties and Forfeitures in the said Act, Do Receive and Entertain Persons in their Houses, and Sell great Quantities of Spirits, and other Strong Drink without License so to do, first had and obtained, by reason whereof great Debaucheries are Committed and kept Secret, the End of this Law in a great measure frustrated, and such as take Licences, and pay the Excise, greatly wronged and injured:

Forfeiture of
10 l. to Sell
without Li-
cence.

Be it therefore further Enacted, That whosoever after the Twenty ninth Day of June, One thousand seven hundred & thirty two, shall presume to Sell any Brandy, Rhum, or other Distilled Spirits, Wine, Beer, Cyder, Perry, or any other Strong Drink in any smaller quantity than a Quarter Cask, (Twenty Gallons to be accounted a Quarter Cask) without License first had and obtained from the General Sessions of the Peace, and Recognizing in manner, as aforesaid, shall forfeit the Sum of *Ten Pounds*; One Half whereof to be for the Use and Benefit of the Poor of the Town, where the Offence shall be committed, and the other Half to him who shall Inform and Sue for the same, and Costs of Prosecution; And all such as shall Refuse or Neglect to pay the Fine aforesaid, shall stand closely & strictly Committed in the Common Goal of the County for Forty Days at least; and not to have the Liberty of the Goalers House or Yard; and any Goaler giving any Person Liberty contrary to this Act, shall Forfeit and Pay *Ten Pounds*, to be Employed in manner as aforesaid, and pay Costs of Prosecution, as aforesaid. And if any Person or Persons not Licensed, as aforesaid, shall Order, Allow, Permit or Connive at the Selling of any Strong Drink, contrary to the true Intent and Meaning of this Law, by his or her Child or Children, Servant or Servants, or any other Person or Persons belonging to, or in his or her House or Family, and be thereof Convict, he, she or they shall be Reputed the Offender or Offenders, and shall suffer the same Penalties as if he, she or they had Sold such Drink themselves. Unless such Person or Persons will *Bona Fide* Swear, That he, she or they did not Order, Allow or Permit thereof, or Connive thereat.

Two Persons
Evidence
sufficient.

And be it further Enacted, That two Credible Persons declaring upon Oath what they know of any Facts that may be Judged to be against this Law, forbidding unlicensed Persons to Sell Strong Drink, shall be sufficient to Convict such Person or Persons thereof, altho' their Testimony be to two different Facts; Provided there be not more than the space of Twenty Days between the Facts concerning which they declare.

Houses not
Licensed.

That when and so often as it shall be observed that there is a Resort of Persons to Houses Suspected to Sell Strong Drink without Licence, any Justice of the Peace shall have full Power to Convene such Persons before him, and Examine them upon Oath of the Person Suspected of Selling or Retailing Strong Drink in such Houses, and on just Ground to bind over the Person Transgressing, and the Witnesses, to the next Court of General Sessions of the Peace for the County where such Offence shall be Committed.

Sub.

And

And be it further Enacted, That if any Person or Persons shall be summoned to appear before the Grand Jury to give Evidence relating to any Persons Selling Strong Drink without Licence or to appear before the Court of General Sessions of the Peace, or other Court proper to Try the same, to give Evidence on the Tryal of any Person informed against, presented or indicted for the Selling Strong Drink without Licence, and shall neglect or refuse to appear, or to give Evidence in that behalf; every Person so offending shall forfeit and pay the Sum of Ten Pounds for the use of the County where the Offence shall be Committed; and when it shall so happen that Witnesses are bound to Sea before the sitting of the Court, where any Person or Persons Informed against for Selling Drink without Licence, is or are to be prosecuted for the same; In every such Case the Deposition of any of ^{Deposition} ^{of Witnesses} ^{bound to Sea} ^{to be taken} ^{in Writing} ^{before two} ^{Justices, Quo-} ^{rum Unus.} Witnesses or Witnesses in Writing taken before two of His Majesty's Justices of the Peace (Quorum unus) in the County where the Offence shall be Committed, and Sealed up and Delivered into Court, (the adverse Party having first had a Notification in Writing sent to him or her of the Time and Place of Caption) shall be esteemed as sufficient Evidence in the Law to Convict any Person or Persons offending against this Act, as if such Witness or Witnesses had been present at the time of Tryal and given his, her or their Deposition viva voce; And every Person or Persons who shall be summoned to give Evidence before two Justices of the Peace in manner as aforesaid, and shall neglect or refuse to appear, or to give Evidence relating to the Facts he or she shall be Enquired of, shall be liable and subject to the same Penalty as he or she would have been by virtue of this Act for not appearing or neglecting or refusing to give his or her Evidence before the Grand Jury or Court as aforesaid.

That every Taverner, Innholder, Common Victualler or Retailer, who shall be found to give a false Account of any Brandy, Distilled Spirits, or Wine by him or her at the Time of his or her taking Licence, or Bought, Distilled or Taken in for Sale afterwards, or refuse to give in an Account on Oath, as aforesaid, shall be rendered incapable of having a Licence afterwards, and shall be Prosecuted by the Collector for his or her neglect, and Ordered by the General Sessions of the Peace to pay such Sum of Money as they may conclude that the Excise of the Liquors, &c. by him or her Sold within such time would have amounted to, to be paid to the Collector, for the use of the Province.

All Fines, Forfeitures and Penalties arising by this Act, shall be recovered by Bill, Plaintiff or Information, in any of His Majesty's Courts of Record within the respective Counties, where such Offence shall be Committed, or by Presentment of the Grand Jury, who are hereby strictly enjoined to Inform of and Present all breaches of this Act.

Provided always, and it is the true intent and meaning of this Act, That if any Taverner, Retailer or Common Victualler, shall buy of another Taverner or Retailer such small Quantities of Liquors as the Law obliges him to Account to the Collector for, and pay the Excise; the Taverner, Retailer or Common Victualler shall notwithstanding be Accountable and pay the Excise, as if none had been paid by the Person he bought the same of.

C H A P. II.

An Act providing Pay for keeping Petit Jurys.

WH E R E A S the several Courts of Justice established within this Province, have for Years past been in the constant Practice of Appointing Persons under Oath to keep the Jury of Tryals when they have Causes committed to them between the Crown and the Subject or between Man and Man; which Usage hath been of great Service, and tended to the more equal Distribution of Justice. But in as much as there is no Fee or Allowance by Law stated for such Service; Be it therefore Enacted by His Excellency the Gobernor, Council and Representatives in General Court Assembled, and by the Authority of the same, That the Fee for keeping the

Fees for keeping Jurys. Jurys in all such Cases shall be One Shilling, and no more for each Action. Any Law, Usage or custom to the contrary notwithstanding.

C H A P. III.

An Act for Erecting a new Town within the County of Middlesex, at the North part of Turkey-Hills (so called) by the Name of Townshend.

Preamble.

WH E R E A S the Northerly Part of Turkey-Hills (so called) is competently filled with Inhabitants, and who are now about settling a learned and orthodox Minister among them, and have addressed this Court, that they may be set off a distinct and separate Town; and be vested with all the Powers and Privileges of a Town:

Be it therefore Enacted by His Excellency the Gobernor, Council and Representatives in General Court Assembled, and by the Authority of the same, That the Northerly Part of Turkey-Hills, as hereafter bounded and described, be and hereby is set off and constituted a separate Township by the Name of Townshend.

Bounds thereof.

The Bounds of the said Township to be as followeth, viz. Beginning at a Heap of Stones at the North-West Corner of Lunenburg, so running East Thirty one Degrees and an half South, Three Thousand and Fifty Rods to a Heap of Stones in Groton Line; then bounded on Groton Line North, seventeen Degrees and an half East, One thousand four hundred and forty Rods, to a Heap of Stones at Groton North-West-Corner; from thence running due North, leaving Eighty Acres out of the Plan to the Town of Dunstable; then running from Dunstable West Line of the Province Land West, Thirty one Degrees and an half North, Two thousand two hundred and forty Rods to a Tree marked: Then running South, Thirty-six Degrees West to the North-West Corner of Lunenburg, where the Bounds first began One Thousand nine hundred and twenty Rods.

Proviso.

Provided. That nothing herein contained, be construed to affect the Right of the Proprietors of the Land called Hathorn's Farm. And that the Inhabitants of the said Lands, as before described and bounded, be, and hereby are vested with the Powers, Priviledges and Immunities

munities that the Inhabitants of any of the Towns of this Province are or ought by Law to be vested with. *Provided*, That the said Town of *Townshend* do within the space of Two Years from the Publication of this Act procure and settle a learned orthodox Minister of good Conversation in said Town, and make Provision for his comfortable and honourable Support.

C H A P. IV.

An Act for Erecting a new Town within the County of Worcester by the Name of Harvard.

W H E R E A S the Inhabitants of the extream Parts of the Towns of Lancaster, Groton and Stow have laboured under much Difficulty and Inconvenience by reason of their remoteness from the Places of Publick Worship, in the Towns to which they respectively belong, and have supported the Cost and Charge of Preaching among them for several Years past, without any Consideration from their Towns, and have addressed this Court for Relief, and that they may be set off a distinct Township by themselves ;

Be it therefore Enacted by his Excellency the Gouvernour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That the Lands in the extream Parts of the Towns of Lancaster, Groton and Stow, as the same are hereafter bounded and described, be, and hereby are set off and constituted a separate and distinct Township by the Name of *Harvard*, *viz.* Beginning at the Southerly End of the Cause-way near the House of *Samuel Wilson* in *Lancaster*, and from thence running North West and by West, till the Line meets with *Lancaster* River, and from said Cause-way running South East and by East, to *Lancaster* East Bounds, then running Northerly in the East Bounds of *Lancaster*, till it comes to *Beaver Brook*, then bounding on said Brook, till it comes to *Littleton* Bounds, and then running on said *Littleton* Line near to the North-West Corner thereof, *viz.* So far as that a West North-West Line shall leave the Dwelling-House of *James Stone* in *Groton* six Perch to the Northward, and continuing the same Course to *Lancaster* River aforesaid, excepting *Coyacus* Farm, or so much thereof as shall fall within the Bounds aforesaid ; and to Bound West on said River. And that the Inhabitants of the said Lands, as before bounded and described, be, and hereby are vested with all the Powers, Privileges and Immunities, which the Inhabitants of any Town in this Province are or by Law ought to be vested with.

Provided, That the Freeholders and other Inhabitants of the said Town settle a learned and orthodox Minister among them within the space of Two Years, and also erect an House for the publick Worship of GOD.

And be it further Enacted by the Authority aforesaid, That the aforesaid Town of *Harvard*, be, and hereby is declared to *Harvard* be within the County of *Worcester*: Any Law, Usage or Custom to the contrary notwithstanding.

[Published, July 1. 1732.]

CHAPTER VI.

AN ACT for Registering a New Town within
the County of Worcester by the Y. H. C. T.
1854

